

EXHIBIT 3

10 Sunday, May 5, 2019

11 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
12 CONFIDENTIALITY REVIEW

24 GOLKOW LITIGATION SERVICES
877.370.3377 ph | fax 917.591.5672
25 deps@golkow.com

1 A P P E A R A N C E S:
2 HAGENS BERMAN SOBOL SHAPIRO LLP
3 BY: THOMAS M. SOBOL, ESQUIRE
4 tom@hbsslaw.com
5 55 Cambridge Parkway
6 Suite 301
7 Cambridge, Massachusetts 02142
8 (617) 482-3700
9 Counsel for MDL Plaintiffs
10
11

12 BRANSTETTER STRANCH & JENNINGS PLLC
13 BY: ANTHONY ORLANDI, ESQUIRE
14 aorlandi@bsjfirm.com
15 (via teleconference)
16 TRICIA HERZFELD, ESQUIRE
17 triciah@bsjfirm.com
18 (via teleconference)
19 223 Rosa L. Parks Boulevard
20 Suite 200
21 Nashville, Tennessee 37203
22 (615) 254-8801
23 Counsel for Tennessee Plaintiffs
24
25

26 KIRKLAND & ELLIS LLP
27 BY: MARTIN L. ROTH, ESQUIRE
28 martin.roth@kirkland.com
29 300 North LaSalle
30 Chicago, Illinois 60654
31 (312) 862-2000
32 Counsel for Allergan Finance LLC
33
34

35 KIRKLAND & ELLIS LLP
36 BY: CATIE VENTURA, ESQUIRE
37 catie.ventura@kirkland.com
38 1301 Pennsylvania Avenue N.W.
39 Washington, D.C. 20004
40 (202) 879-5000
41 Counsel for Allergan Finance LLC
42
43

1 A P P E A R A N C E S:
2 O'MELVENY & MYERS LLP
3 BY: CHARLES C. LIFLAND, ESQUIRE
4 clifland@omm.com
5 MATTHEW KAISER, ESQUIRE
6 mkaiser@omm.com
7 400 South Hope Street
8 18th Floor
9 Los Angeles, California 90071
10 (213) 430-6000
11 Counsel for Janssen Pharmaceuticals Inc.
12
13 COVINGTON & BURLING LLP
14 BY: RONALD G. DOVE, JR., ESQUIRE
15 rdove@cov.com
16 850 Tenth Street, NW
17 Washington, D.C. 20001
18 (202) 662-5575
19 Counsel for McKesson Corporation
20
21 ROPES & GRAY LLP
22 BY: NICHOLAS BRADLEY, ESQUIRE
23 nick.bradley@ropesgray.com
24 1211 Avenue of the Americas
25 New York, New York 10036
26 (212) 256-9000
27 Counsel for Mallinckrodt
28 Pharmaceuticals
29
30
31 BARTLIT BECK LLP
32 BY: PETER B. BENSINGER, JR., ESQUIRE
33 peter.bensinger@bartlit-beck.com
34 54 West Hubbard Street
35 Suite 300
36 Chicago, Illinois 60654
37 (312) 494-4400
38 Counsel for Walgreens Company
39
40
41
42
43
44
45

1 A P P E A R A N C E S:
2 JONES DAY
3 BY: STEVEN N. GEISE, ESQUIRE
sngeise@jonesday.com
4 4655 Executive Drive
Suite 1500
5 San Diego, California 92121
(858) 314-1200
6 Counsel for Walmart Corporation
7
8 DECHERT LLP
BY: WILL W. SACHSE, ESQUIRE
will.sachse@dechert.com
9 Cira Centre
2929 Arch Street
10 Philadelphia, Pennsylvania 19104
(215) 994-4000
11 Counsel for Purdue Pharma
12 ARNOLD & PORTER KAYE SCHOLER LLP
BY: SAMUEL N. LONERGAN, ESQUIRE
samuel.lonergan@arnoldporter.com
13 250 West 55th Street
14 New York, New York 10019
(212) 836-8000
15 Counsel for Endo Health Solutions
16 Inc., Endo Pharmaceuticals Inc., Par
Pharmaceutical, Inc. and Par
Pharmaceutical Companies, Inc.
17
18 MORGAN LEWIS & BOCKIUS LLP
BY: WENDY WEST FEINSTEIN, ESQUIRE
wendy.feinstein@morganlewis.com
19 One Oxford Center
20 Thirty-Second Floor
21 Pittsburgh, Pennsylvania 15219
(412) 560-3300
22 Counsel for Teva Pharmaceuticals
23 USA Inc., Cephalon Inc., Watson
Laboratories Inc., Actavis LLC, and
Actavis Pharma Inc. f/k/a Watson
Pharma Inc.
24
25

1 A P P E A R A N C E S:
2 REED SMITH LLP
3 BY: LOUIS W. SCHACK, ESQUIRE
lschack@reedsmith.com
1717 Arch Street
4 Suite 3100
Philadelphia, Pennsylvania 19103
5 (215) 851-8100
Counsel for AmerisourceBergen Drug
6 Corporation
7
8 WILLIAMS & CONNOLLY LLP
9 BY: CARL R. METZ, ESQUIRE
cmetz@wc.com
725 Twelfth Street, N.W.
10 Washington, D.C. 20005
(202) 434-5000
11 Counsel for Cardinal Health Inc.
12
13 MORGAN LEWIS & BOCKIUS LLP
BY: AJANI BROWN, ESQUIRE
ajani.brown@morganlewis.com
14 (via teleconference)
1000 Louisiana Street
15 Suite 4000
Houston, Texas 77002
16 (713) 890-5000
Counsel for Rite Aid
17
18 LOCKE LORD LLP
BY: MADELEINE E. BRUNNER, ESQUIRE
maddie.brunner@lockelord.com
(via teleconference)
2200 Ross Avenue
19 Suite 2200
20 Dallas, Texas 75201
(214) 740-8000
21 Counsel for Henry Schein, Inc. and
Henry Schein Medical Systems, Inc.
22
23
24
25

1 A P P E A R A N C E S:
2 MARCUS & SHAPIRA LLP
3 BY: RICHARD I. HALPERN, ESQUIRE
halpern@marcus-shapira.com
(via teleconference)
4 One Oxford Centre
35th Floor
5 Pittsburgh, Pennsylvania 15219
(412) 471-3490
6 Counsel for HBC Services
7
8 FOLEY & LARDNER LLP
BY: KRISTINA J. MATIC, ESQUIRE
kmatic@foley.com
(via teleconference)
10 777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
11 (414) 271-2400
Counsel for Anda Inc.
12
13 ALSO PRESENT:
14 FORREST MCCLUER, Ph.D.
Greylock McKinnon Associates
15 (via teleconference)
16
17 VIDEOGRAPHER:
18 VINCENT ROSICA,
Golkow Litigation Technologies
19
20
21
22
23
24
25

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1 PROCEEDINGS

2 (May 5, 2019 at 8:04 a.m.)

3 THE VIDEOGRAPHER: We're now on
4 record. My name is Vince Rosica. I'm
5 a videographer for Golkow Litigation
6 Services. Today's date is May 5th,
7 2019, and the time is 8:04 a.m.

8 This video deposition is being
9 held in Boston, Massachusetts in the
10 matter of National Prescription Opiate
11 Litigation, MDL No. 2804 for the
12 Northern District of Ohio, Eastern
13 Division Court.

14 The deponent is Meredith
15 Rosenthal.

16 Counsel will be noted on the
17 stenographic report.

18 The court reporter is Mike
19 Miller and will now swear in the
20 witness.

21 (Witness sworn.)

22 MR. SOBOL: Before you begin, I
23 think the professor had one quick
24 update.

25 THE WITNESS: Yes. Remember

13 MR. ROTH: You anticipated my
14 very first question.

15 THE WITNESS: Excellent.

19 BY MR. ROTH:

20 Q. What was the nature of your
21 expert opinion in that case?

22 A. I did a damages analysis for
23 class certification proceedings.

24 Q. And was it limited to a single
25 manufacturer?

1 baseline percentage, that delta is capturing
2 how that defendant's promotion relates to the
3 aggregate average; is that right?

4 MR. SOBOL: Objection, asked
5 and answered.

6 A. As we discussed earlier, I
7 don't use the table in that way. I'm using
8 it to narrow the aggregate by excluding
9 individual defendants.

10 And when I do that, for
11 example, to exclude Aventis, just as an
12 alphabetically first choice, I am excluding
13 ultimately the effect that I observe in the
14 econometric model of Aventis' marketing,
15 whether that generates sales for its product
16 or someone else's product.

17 MR. ROTH: Okay. I think with
18 that I am done for the time being.

19 It's been a pleasure. I believe
20 Mr. Metz has some questions, so I will
21 be passing the microphone to him. And
22 I can't promise I won't come back,
23 depending on what else happens, but
24 thank you so much.

25 THE WITNESS: Okay. Thank you.

5 THE VIDEOGRAPHER: The time is
6 1:58 p.m. We're back on the record.

7 EXAMINATION

8 BY MR. METZ:

9 Q. Good afternoon, Professor
10 Rosenthal.

11 A. Good afternoon.

12 Q. My name is Carl Metz. I
13 represent Cardinal Health, which is one of
14 the distributor defendants in this case.

15 A. I apologize for forgetting the
16 name of your employer as it were.

17 Q. That's all right. You're
18 referring to testimony yesterday where you
19 were asked about the distributor defendants,
20 you named two companies, and the third name,
21 Cardinal, eluded you. Yes?

22 A. Exactly, yes.

23 Q. Okay. At various places in
24 your report, you refer to marketing
25 defendants, correct?

1 significant dummy variable in Model C, it
2 wouldn't necessarily be the case that that
3 variable would exist in the but-for world.

4 BY MR. METZ:

5 Q. Okay. So to -- if I could
6 strip that down to a more relatable
7 statement.

8 You're postulating a but-for
9 world in which the State of Ohio's General
10 Assembly does not enact the statute that we
11 just looked at?

12 MR. SOBOL: Objection,
13 mischaracterizes her testimony.

14 A. I don't know about the specific
15 law, but many of those events, including the
16 state medical board guidelines, which appear
17 to interact with the law, are posited by
18 plaintiffs to have been caused by the conduct
19 of defendants.

20 MR. METZ: Why don't we go off
21 the record.

22 THE VIDEOGRAPHER: The time is
23 3:26 p.m. We're now off the record.

24 (Recess taken, 3:26 p.m. to
25 3:33 p.m.)

1 MR. SOBOL: Nothing further.
2 MR. ROTH: No follow-up here.
3 THE VIDEOGRAPHER: That
4 concludes the deposition of Meredith
5 Rosenthal. The time is 3:36 p.m., and
6 we're now off the record.

7 (Proceedings recessed at
8 3:36 p.m.)

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